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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,017	04/06/2000	YUICHI NAKAO	65296	1390
23872	7590	11/04/2003	EXAMINER	
MCGLEW & TUTTLE, PC SCARBOROUGH STATION SCARBOROUGH, NY 10510			DICKENS, CHARLENE	
		ART UNIT	PAPER NUMBER	
		2855	23	

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.	09/485,017	Applicant(s) NAKAO ET AL.
Examiner Ex. Dickens	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicants' Admitted Prior Art (APA). The APA teaches a Coriolis mass flow meter comprising: two parallel flow tubes(1, 2)of a curved tube type having base plates (27, 28) fixedly fitted to them at the points serving as vibration fulcrums (page 2, lines 22, 23 of instant application); a drive unit 15 disposed at the central part of said flow tubes for causing any one of said flow tubes to resonate with the other tube in a phase opposite to each other; a pair of vibration sensors (16, 17) disposed at symmetrical positions with respect to the mounting position of said drive unit for sensing a phase difference proportional to Coriolis force; said drive unit and a pair of said vibration sensors each being formed by a coil and a magnet (page 3, lines 14, 15 of instant application); said drive unit coil is fitted to any one of said flow tubes and said drive unit magnet is fitted to the other of said flow tubes, and magnets of said vibration sensors are fitted to said any one of said flow tubes and coils of said vibration sensors are fitted to the other flow tube (page 2, lines 20-22 of instant application).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 8, 11-15, & 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Admitted Prior Art (APA) in view of US Patent Re 36,376 ('376). The APA discloses a Coriolis mass flow meter comprising: two parallel curved flow tubes of a type having two U-shaped tubes, said flow tubes having base plates (27, 28) fixedly fitted to them at the points serving as first vibration fulcrums; a drive unit 15 for causing any one of said flow tubes to resonate with the other flow tube in an opposite phase with each other; a pair of vibration sensors (16, 17), disposed at symmetrical positions with respect to the mounting position of said drive unit, for sensing a phase difference proportional to Coriolis force; and a meter body 34, containing a second fulcrum, holds connecting ports at both ends and the entire flow meter. However, the APA does not disclose an inlet-side manifold branching from an inlet of a fluid being measured to two flow tubes; an outlet side manifold for joining fluid flows flowing in the two flow tubes to discharge from a

fluid outlet and a meter body is mechanically connected to the inlet-side and outlet-side manifolds only at the inlet-side of the inlet-side manifold and at the outlet side of the outlet side manifold, respectively, so that the joint parts between the inlet-side and outlet-side manifolds and the flow tubes that serve as second vibration fulcrums, can be isolated from the meter body and all structures connected thereto; and said meter body being connected to said manifolds to transmit external vibrations between said inlet side of said inlet manifold and said outlet side of said outlet manifold, as recited in claims 1 and/or 11 of instant application. '376 discloses an inlet-side manifold 130 branching from an inlet of a fluid being measured to two flow tubes 112; an outlet side manifold 130 for joining fluid flows flowing in the two flow tubes to discharge from a fluid outlet and a meter body (Fig. 1) is mechanically connected to the inlet-side and outlet-side manifolds only at the inlet-side of the inlet-side manifold and at the outlet side of the outlet side manifold, respectively, so that the joint parts between the inlet-side and outlet-side manifolds and the flow tubes that serve as second vibration fulcrums, can be isolated from the meter body and all structures connected thereto; and said meter body being connected to said manifolds to transmit external vibrations between said inlet side of said inlet manifold and said outlet side of said outlet manifold for the purpose of

providing an optimized Coriolis mass flow meter which has improved stability to excitations caused by external influences (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an inlet-side manifold branching from an inlet of a fluid being measured to two flow tubes; an outlet side manifold for joining fluid flows flowing in the two flow tubes to discharge from a fluid outlet and a meter body is mechanically connected to the inlet-side and outlet-side manifolds only at the inlet-side of the inlet-side manifold and at the outlet side of the outlet side manifold, respectively, so that the joint parts between the inlet-side and outlet-side manifolds and the flow tubes that serve as second vibration fulcrums, can be isolated from the meter body and all structures connected thereto; and said meter body being connected to said manifolds to transmit external vibrations between said inlet side of said inlet manifold and said outlet side of said outlet manifold in the APA as taught by '376 for the purpose of providing an optimized Coriolis mass flow meter which has improved stability to excitations caused by external influences.

Claim 6: the modified APA discloses a Coriolis mass flow meter wherein said drive unit and said vibration sensors are disposed between said two flow tubes in such a manner as to be aligned with the central axes of said two flow tubes (Fig. 10 of instant

application).

Claims 8, 17: the modified APA discloses Coriolis mass flow meter wherein said vibration sensors are disposed at nodes of the secondary vibration mode at the proximal parts each on the inlet and outlet sides that serve as vibration beams (page 3, lines 12, 13 of instant application).

Claim 12: the modified APA discloses a meter wherein said drive unit vibrates said first and second flow tubes toward and away from each other (page 3, lines 17, 18 of instant application).

Claim 13: the modified APA discloses a meter wherein said meter body is spaced from said first and second ports of said inlet and outlet manifold (Fig. 1 of '376).

Claim 14: the modified APA discloses a meter wherein said first and second ports of said inlet manifold are spaced from each other; said first and second ports of said outlet manifold are spaced from each other (Fig. 1 of '376).

Claim 15: the modified APA discloses a meter wherein said drive unit includes a magnet connected to said first flow tube and includes a coil connected to said second flow tube; each of said sensors include a magnet connected to said second flow tube and include a coil connected to said first flow tube (page 3, lines 20-22 of instant application).

Claims 18, 19: the modified APA discloses a meter wherein said inlet and outlet manifolds have a shape to preclude the manifolds

from having a particular natural frequency (page 3, lines 12, 13 of instant application) and said inlet and outlet manifolds have a continuously increasing shape without a particular natural frequency.

5. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified APA as applied to claim 1 above, and further in view of US Patent 5,297,426 ('426). Claims differ from the modified APA with the recitation of a Coriolis mass flow meter wherein a flow path of said inlet side manifold is smoothly curved from the inlet thereof, branching into two flow tubes while continuously reducing the total cross-sectional area of flow paths of said two flow tubes; and flow paths of said outlet-side manifold are smoothly curved from the joint parts thereof with said flow tubes, joining said flow paths while continuously increasing the total cross-sectional area of said flow paths, and leading to a fluid outlet and wherein said inlet-side and outlet-side manifolds are formed into curved blocks whose cross-sectional areas continuously increase toward said joint parts with said flow tubes from said fluid inlet or said fluid outlet. '426 discloses a Coriolis mass flow meter wherein a flow path of said inlet side manifold is smoothly curved from the inlet thereof, branching into two flow tubes while continuously reducing the total cross-sectional area of flow paths of said two flow tubes; and flow paths of said

outlet-side manifold are smoothly curved from the joint parts thereof with said flow tubes, joining said flow paths while continuously increasing the total cross-sectional area of said flow paths, and leading to a fluid outlet and wherein said inlet-side and outlet-side manifolds are formed into curved blocks whose cross-sectional areas continuously increase toward said joint parts with said flow tubes from said fluid inlet or said fluid outlet (Figs. 5, 8, 10) for the purpose of providing a fluid measuring device which has a main line that is capable of directing fluid flow from an inlet to an outlet (col. 1, lines 66-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a Coriolis mass flow meter wherein a flow path of said inlet side manifold is smoothly curved from the inlet thereof, branching into two flow tubes while continuously reducing the total cross-sectional area of flow paths of said two flow tubes; and flow paths of said outlet-side manifold are smoothly curved from the joint parts thereof with said flow tubes, joining said flow paths while continuously increasing the total cross-sectional area of said flow paths, and leading to a fluid outlet and wherein said inlet-side and outlet-side manifolds are formed into curved blocks whose cross-sectional areas continuously increase toward said joint parts with said flow tubes from said fluid inlet or said fluid outlet in the modified APA as suggested by '426 for

the purpose of providing a fluid measuring device which has a main line that is capable of directing fluid flow from an inlet to an outlet.

6. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified APA as applied to claim 1 above, and further in view of US Patent 4, 955, 239 ('239). Claims differ from the modified APA with the recitation of a Coriolis mass flow meter wherein a meter body has a U-shaped cross section and a box construction having at the upper part thereof a base plate to prevent said meter body from interfering with said vibration fulcrums. '239 discloses a meter body has a U-shaped cross section and a box construction having at the upper part thereof a base plate (Figs. 1,4) for the purpose of providing a vibrating structure wherein the method for mounting wires between vibrating structures are not compromised so as to prevent wire breaking (col. 2, lines 50-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to a meter body has a U-shaped cross section and a box construction having at the upper part thereof a base plate in the modified APA as taught by '239 for the purpose providing a vibrating structure wherein the method for mounting wires between vibrating structures are not compromised so as to prevent wire breaking.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being

unpatentable over the modified APA, as applied to claim 1 above, and further in view of JP 9250940. Claims differ from the APA, as modified, with the recitation of a flexible printed circuit board bent symmetrically. JP 9250940 discloses the use of a flexible printed circuit board 9 bent symmetrically for the purpose of providing a Coriolis flow meter wherein vibration attenuation of a vibrating tube by wiring is lessened and connection of the wiring is held stable for a long period. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included in the APA, as modified, a flexible printed circuit board bent symmetrically as suggested by JP 9250940 for the purpose of providing a Coriolis flow meter wherein vibration attenuation of a vibrating tube by wiring is lessened and connection of the wiring is held stable for a long period.

8. Claims 16 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicants' arguments filed 7/22/03 have been fully considered but they are not persuasive. Applicants argue there is no teaching nor suggestion, in the APA, of one flow tub having a drive unit coil and sensor magnets, while another tube has a drive magnet and sensor coils. The Examiner disagrees with this

argument. On page 3, lines 14-22, as Applicants have already agreed to, clearly teaches and suggests such claimed language. Next applicants argue '376 does not teach nor suggest inlet and outlet manifold being separate structures, or of a meter body connected to manifold to transmit external vibrations between an inlet side and an outlet side. Again, the Examiner disagrees with this argument. In Fig. 1 of 376, illustrated is a manifold 130. Only the right side of the flow meter is shown in detail. One of ordinary skill in the art would find it obvious the left side of the flow meter has the same separate parts as that illustrated for the right side. Thus, there is a suggestion of inlet and outlet manifold being separate structures. As to the argument of a meter body connected to manifold to transmit external vibrations between an inlet side and an outlet side, one of ordinary skill in the art would find the elements within the flow meter, of '376, would provide the claimed function.

Applicants additionally argue claims 17-19 are not taught by the stated references, i.e., the APA. The Examiner, again strongly advises the applicant to provide evidence as discussed above to clear any confusion within the written specification as originally filed. In response to applicant's argument that there is no teaching nor suggestion that any meter body of '376 would be beneficial in the APA, especially a meter body which is mechanically connected to the manifolds and said flow tubes that

serve as vibration fulcrums can be isolated from the meter body and all structures connected thereto, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Finally, the Examiner disagrees with the applicants with the argument that JP '940 does not teach nor suggest two flow tubes. The applicants are reminded JP '940 is used to teach flexible printed circuit boards bent symmetrically, see Fig. 2. Accordingly, the above stated rejections clearly teach and/or suggest the applicants claimed invention.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens or the supervisor, Edward Lefkowitz, whose telephone numbers are (703) 305-7047 or (703) 305-4816, respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.



cd/dickens

November 3, 2003



EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800